

REMARKS

Claims 1-4 are currently pending. Claims 1 and 4 have been amended by way of the present amendment.

112, 2nd paragraph, Rejection

Claim 1 was objected to as being indefinite. The objected-to language has been changed, thereby overcoming the rejection.

103 Rejections

Claims 1 and 4 were rejected as being unpatentable over Hermann (U.S. Patent No. 5,763,335). Applicants traverse the rejections.

Hermann discloses a composite material that is different in both its structure and its function from that of the claimed invention. Hermann discloses a shoe insole having a cover layer closest to the skin, then a urethane adhesive, and then a foam layer farthest from the skin. See Hermann, Fig. 4, for example. In contrast, the claimed invention has a surface protection resin closest to the skin, then a moisture-permeable resin layer, and then a base fabric farthest from the skin. As a result, the claimed fabric is capable of not just absorbing moisture, but eliminating it as well.

Claim 1 recites the surface protective resin containing, inter alia, high moisture-absorbing/releasing and heat-generating organic fine particles. In contrast, Hermann neither teaches nor suggests the use of heat-generating particles. The combination of super absorbent polymers and thermal phase change components of Hermann is not similar to the organic fine particles of the present invention, as mistakenly asserted in the Office Action, because neither the super absorbent polymers nor the thermal phase change components are heat generators. The thermal phase change components are heat absorbers. See Hermann, col. 6, lines 63-65, for example. However, heat absorption is different from heat generation. Therefore, claim 1 is not obvious in view of Hermann.

Moreover, the claimed fabric of the present invention can absorb moisture and release the absorbed moisture, thereby effectively lowering humidity in the space between the human body and the fabric, for example. In contrast, the composite material of Hermann provides for moisture and body fluid storage, rather than release, to prevent the moisture and

fluid from rewetting the cover layer. See Hermann, col. 6, lines 1-7, for example. Hermann teaches an additional bottom layer to aid moisture storage and hinder evaporation. See Hermann, Fig. 4, for example.

Additionally, the claimed fabric is waterproof, but allows humidity, which is water vapor, through. In contrast, the composite material of Hermann stores fluids and, therefore, must necessarily be liquid water-permeable, rather than waterproof. See Hermann, col. 2, lines 13-19, for example.

Furthermore, even if some of the layers of Hermann are similar to those of the claimed invention, it would not have been obvious to have picked certain layers and reordered them in such a way as to arrive at the claimed invention because doing so would be contrary to the purpose of Hermann. The purpose of Hermann is to store moisture and fluid *away* from the body, keeping the body *dry*. If the layers are reordered to arrive at the claimed invention, as asserted in the Office Action, the composite material would store the moisture and fluid *next to* the body, keeping the body *wet*. Accordingly, the claimed invention is not obvious in view of Hermann.

Claim 4, which depends from claim 1, is not obvious in view of Hermann for at least the same reasons as claim 1.

Claims 2 and 3 were rejected as being unpatentable over Hermann and Nishida (U.S. Patent No. 6,080,797). Applicants traverse the rejection.

Even if the polymer of Nishida included moisture absorbing/releasing and heat-generating particles, as asserted in the Office Action, there would have been no motivation to substitute the polymer of Nishida for the super absorbent polymers and thermal phase change components of Hermann. Such a substitution would be contrary to the purpose of the thermal phase change components to absorb heat. Also, the bottom layer of Hermann would trap heat such that heat generators would likely increase the composite material temperature. Such an increase would undoubtedly make the composite material uncomfortable for the user, particularly given the expected applications of the material as shoe insoles, incontinent pads, etc.

Hence, the claims are not obvious in view of Hermann, Nishida, or the combination thereof.

CONCLUSION

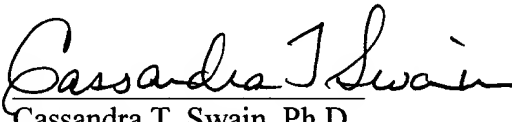
Applicants submit that the claims as presently written are allowable and an early and favorable action to that effect is respectfully requested.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any information concerning this application.

The Office is hereby authorized to charge any fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

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